

PATENT
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s)	Gruening et al.	Examiner:	Yong Soo Chong
Serial No.:	10/788,663	Group Art Unit:	1617
Confirmation No.:	3625	Docket:	136-36 RCE
Filed:	February 27, 2004	Dated:	July 13, 2009
For:	ANTI-INFECTIOUS HYDROGEL COMPOSITIONS		

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Certificate of EFS-Web Transmission

I hereby certify that this correspondence is being transmitted to the U.S. Patent and Trademark Office via the Office's electronic filing system on July 13, 2009.

Carla Bryan
(Printed Name)

Signature: /carla bryan/

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER TO THE BOARD
OF PATENT APPEALS AND INTERFERENCES**

Applicants hereby appeal to the Board from the decision of the Primary Examiner, mailed January 13, 2009, finally rejecting Claims 24-32, 34-36, 38, and 41-53.

The item(s) checked below are appropriate:

1. STATUS OF APPLICANT

This application is on behalf of

other than a small entity.
 small entity.

A verified statement claiming small entity status

is attached.
 was already filed on _____.

2. **FEE FOR FILING NOTICE OF APPEAL**

Pursuant to 37 CFR 1.17(e), the fee for filing the Notice of Appeal is:

<input checked="" type="checkbox"/> small entity	\$270.00
<input type="checkbox"/> other than small entity	\$540.00
Notice of Appeal fee due	<u>\$270.00</u>

3. **EXTENSION OF TERM**

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136 apply.

(complete (A) or (B), as applicable)

(A) Applicants petition for an extension of time under 37 CFR 1.136 for the total number of months checked below (fees: 37 CFR 1.17(a)-(d)):

Extension (<u>months</u>)	Fee for Other than <u>Small Entity</u>	Fee for <u>Small Entity</u>
[] one month	\$ 130.00	\$ 65.00
[] two months	\$ 490.00	\$245.00
<input checked="" type="checkbox"/> three months	\$1,100.00	\$555.00
[] four months	\$1,730.00	\$865.00
Fee due for indicated extension		= <u>\$555.00</u>

If an additional extension of time is required, please consider this a petition therefor.

(check and complete the next item, if applicable)

[] An extension for ____ months has already been secured. The fee paid therefor of \$____ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request = \$_____

(B) [] Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

4. **TOTAL FEE DUE**

The total fee due is:

Notice of Appeal fee \$ 270.00
Extension fee (if any) \$ 555.00

TOTAL FEE DUE \$ 825.00

5. FEE PAYMENT

[] Attached is a check in the sum of \$_____

[X] Charge Account No. 08-2461 the sum of **\$ 825.00**.

6. FEE DEFICIENCY

[X] If any additional extension and/or fee is required or any overpayment has been made, please charge our Deposit Account No. **08-2461** or credit our Deposit Account for such sum.

AND/OR

[X] If any additional fee for claims is required or any overpayment has been made, please charge our Deposit Account No. **08-2461** or credit our Deposit Account for such sum.

Respectfully submitted,

/susan a. sipos/

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